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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,364	09/18/2000	Jin-Tae Roh	3449-0131P	3941
2292	7590	03/27/2006		
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER PSITOS, ARISTOTELIS M	
			ART UNIT 2627	PAPER NUMBER

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/664,364	Applicant(s) ROH ET AL.	
	Examiner Aristotelis M. Psitos	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12,17-19 and 26-28 is/are allowed.
- 6) ☒ Claim(s) 13-16 and 20-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicants' response of 2/10/06 has been considered with the following results.

The allowance of claims 13-16, and 20-25 as previously indicated is hereby withdrawn in view of the newly discovered reference to Nakajo – see the below analysis. The examiner regrets any inconvenience to applicants and their representative.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 13 and 20, 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakajo.

The following analysis is made:

Claim 13

Nakajo / 6781937

An optimal recording apparatus for optical
recording media comprising:

abstract/title/

a recording unit recording optional data, as
test data, onto a test area of an optical
recording medium while varying
a format of recording signals;

see figure 6 and disclosure
starting at col. 8 line 60 till
col. 13 line 25.

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a reproduction unit reproducing the test data;	see above present
a jitter measuring unit measuring respective jitters of	see discussion with respect to
reproduced signals outputted from the reproduction means;	jitter at col. 12 as it
and	describes figures 8 and 9

a control unit determining an	control unit is the system controller
optimum write strategy, based on	
the measured jitters.	

In the above analysis, the claimed elements in the present claim are present in the Nakajo reference. See the disclosure in Nakajo with respect to both the level and length modification of the test signals that are recording.

With respect to method claim 20, the steps are present when the above system operates.

With respect to claims 23 and 24 – note the description of the 3T signal, e.g. starting at col. 13 line 10.

With respect to claim 25, the examiner concludes that because the system in Nakajo is to determine the optimum recording conditions, the smallest jitter is part and parcel thereof.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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2. Claims 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 13 as stated in paragraph 1 above, and further in view of Kirino et al.

Although the base reference to Nakajo discloses focusing servo circuitry – see element 18, there is not clear depiction of the limitation as described in claim 14 and 21 (structure and method).

Kirino et al teach in this environment, the additional ability of encompassing, using a variation in focus ability in order to perform a better jitter performance – see the discussion commencing at col. 3 line 1 till line 64.

It would have been obvious to modify the base system as stated above in paragraph 1 with the additional teaching from Kirino et al, motivation is for the reasons stated in Kirino et al.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

3. Claims 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 13 and 20 as stated in paragraph 1 above, and further in view of JP 05-144004.

Although the above system to Nakajo discusses test signaling and the ability of using such to optimize the writing to an optical disc, there is no clear depiction with respect to the limitation as found in claims 15 and 22.

The ability of having a reference power value and extracting such from the optical record and then adapting the recording signal format to vary such with reference thereto is considered taught by the JP document – see the attached MAT (machine assisted translation) starting at paragraph 15 with respect to the reading of special information data – i.e., the recommendation record power Pr.

It would have been obvious to modify the base system as relied upon above in paragraph 1 with the additional teaching from the JP system 05-144004, so as to include a reference power level signal as part of the overall control capabilities in this environment. Recording recommended power signals as part of the toc information is considered an additional advantage, i.e., as a starting point for the setting of the recording format.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 13 as stated in paragraph 1 above, and further in view of Mazewa.

With respect to the limitations of claim 16, Mazewa further teaches in this environment, the ability of calculating the "jitter" signal predicated upon an "integration" of the signal difference.

It would have been obvious to modify the base system as relied upon in paragraph 1 above and further include the "jitter" circuitry of Mazewa, motivation is to provide use of existing circuitry and hence save valuable resources, such as time in designing alternative circuits for performing the "jitter" measuring.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 12, 26-28 and 17-19 are allowed.

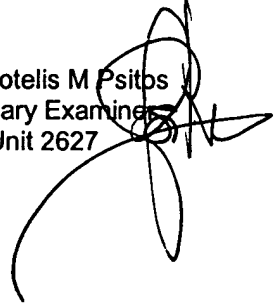
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-F: 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aristotelis M Psitps
Primary Examiner
Art Unit 2627



AMP



Administrative SPE
Division 2627